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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,375	12/20/2001	Haruo Machida	35.C16039	7735
5514	7590	03/07/2008	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			KANG, INSUN	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/022,375	MACHIDA, HARUO	
	Examiner	Art Unit	
	INSUN KANG	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 February 2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 55,58-60,63-65,68 and 69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 55,58-60,63-65,68 and 69 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This action is in response to the RCE amendment filed on 2/20/2008.
2. As per applicant's request, claims 55, 60, 65, 68, and 69 have been amended. Claims 55, 58-60, 63-65, and 68-69 are pending in the application.

Specification

3. The abstract of the disclosure is objected to because it contains phrases which can be implied, "As an exemplary scheme for solving such a problem...is provided" in line 3. Correction is required. See MPEP § 608.01(b).
4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 55, 58, and 59 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 55, 58, and 59 are non-statutory because they are directed to an apparatus that does not have any physical structural elements. In view of the disclosure, the means (under 112^{6th}) can be reasonably implemented as program instructions that determine and control operations to transmit as recited in the claims. With no other structure in the independent claim to rely on, the alleged "apparatus" of the claims turns out to be an abstract idea for being a

computer program per se, and, thus, does not fit within the definition of the categories of patentable subject matter set forth in § 101. Therefore, the claims are non-statutory. “An information processing apparatus having a processor” is recommended.

The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101. The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101.
[<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf>](http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf)

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 55, 58-60, 63-65, and 68-69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 55 recites the limitation "that client apparatus" in line 8. There is insufficient antecedent basis for this limitation in the claim. Interpretation: said each of the plurality of client apparatuses. "The client apparatus" in line 8-10 is interpreted as: said each of the plurality of client apparatuses.

Claim 60 recites the limitation "that client apparatus" in line 7. There is insufficient antecedent basis for this limitation in the claim. Interpretation: said each of the plurality of client apparatuses. "The client apparatus" in line 9-11 is interpreted as: said each of the plurality of client apparatuses.

Claim 65 recites the limitation "that client apparatus" in line 9. There is insufficient antecedent basis for this limitation in the claim. Interpretation: said each of the plurality of client apparatuses. "The client apparatus" in line 10-12 is interpreted as: said each of the plurality of client apparatuses.

As per claims 58, 59, 63, 64, 68, and 69, these claims are rejected for dependency on the above rejected parent claims.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 55, 58-60, 63-65, and 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henry (US 6,681,392) hereafter Henry in view of Danknick et al. (US Patent 5,828,864) hereafter Danknick.

Per claim 55:

Henry discloses:

-determining means for determining a plurality of client apparatuses on which a driver is to be set up; (i.e. "determine locations for system and driver files that are related to the peripheral for which the software is being installed or updated," col. 4 lines 38-45) and

-transmission controlling means for controlling operations to transmit without waiting for a request from any of the client apparatus to each of the plurality of client apparatuses determined by said determining means a set-up instruction to set up a driver for that client apparatus (i.e. “allows administrators to push drivers and network utilities down to other systems,” col. 2 lines 16-20)

Henry does not explicitly teach a test printing instruction to have the client apparatus execute test printing to check if the driver set-up for the client apparatus has been completed, via the network wherein the test printing is executed after the driver set up is executed at the client apparatus. However, Danknick teaches such a test print at the client printer was known in the pertinent art, at the time applicant's invention was made, to output the printer configuration status information (i.e. col. 20 lines 50-67). It would have been obvious for one having ordinary skill in the art to modify Henry's disclosed server system to transmit a test print job to clients as thought by Danknick. The modification would be obvious because one having ordinary skill in the art would be motivated to verify the peripheral installation status on clients in Henry by printing a test page taught by Danknick.

Danknick further discloses the test page printed in the test printing at a printer corresponding to the set up driver includes identification information of the plurality of client apparatuses (i.e. “the testpage includes...MAC address, board name,” col. 22 lines 16-35).

Per claim 58:

The rejection of claim 55 is incorporated, and further, Danknick discloses that a test print request source is printed in the test printing (i.e. "the testpage can include...MAC address, board name," col. 22 lines 16-35).

Per claim 59:

The rejection of claim 55 is incorporated, and further, Danknick discloses a name of a print server used in executing the test printing (i.e. "the testpage can include PSERVER name," col. 22 lines 16-35).

Per claims 60, 63, and 64, they are the method versions of claims 55, 58, and 59, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 55, 58, and 59 above.

Per claims 65, 68, and 69, they are the medium versions of claims 55, 58, and 59, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 55, 58, and 59 above.

Response to Amendment

11. The amendment to the claims filed on 2/20/2008 does not comply with the requirements of 37 CFR 1.121(c) because:

Claims 68 and 69 have been previously amended, therefore, the correct identifier "previously presented" should be used.

Response to Arguments

12. Applicant's arguments with respect to claims 55, 58-60, 63-65, and 68-69 have been considered but are moot in view of the new ground(s) of rejection.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to INSUN KANG whose telephone number is (571)272-3724. The examiner can normally be reached on M-F 8:30-5 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis A. Bullock, Jr. can be reached on 571-272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Insun Kang/
Examiner, Art Unit 2193